

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 12433 of 2004

Between:

1 Sri Y. Shankar Rao, S/o. Late Lakshmana Swamy,
R/o. Addada Village, Krishna District, rep. by his G.P.A.

holder Sri Musunuru Kishore, S/o. M. Prasada Rao,
aged 35 years Occ : Business, R/o. Flat No. 301, Vijaya
Towers, Srinagar Colony, Hyderabad.

2 Smt. S. Sesharatnam, W/o. S.Venkateswara Rao,
R/o. 7-15, Chaitanyapuri, Hyderabad.

... PETITIONERS

AND

- 1 The District Collector, R.R. District at Saifabad, Hyderabad.
- 2 The Director Registrar, R.R. District at Moosapet, Hyderabad.
- 3 The Sub-Registrar of Medchal R.R. District at Medchal

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction more particularly one in the nature of Writ of Mandamus calling for the records from the first respondent herein relating to circular instructions dated 06-02-2001 and declare the same as illegal, arbitrary and violative of Article 14 and 19 and ultra vires of the Registration Act and consequently direct the third

respondent herein to register the sale deed executed by the Petitioner No. 1 & 2 to the extent of Ac.1.06 guntas and Ac.1.32 guntas total extent Ac.2.38 guntas in Sy.No. 227/1 and 228 at Bahadurpally village in favour of the prospective purchasers in accordance with law.

Counsel for the Petitioner: MR.BOLLAM LINGAIAH YADAV

Counsel for the Respondent No.: GP FOR REVENUE

The Court at the admission stage made the following Order:

ORDER:

The gravamen of the complaint made by the petitioners in this Writ Petition is that in view of circular issued by the Joint Collector, directing all the Sub-Registrars not to entertain any documents for agricultural or non-agricultural purposes whenever produced without prior approval or 'No Objection Certificate' from the District Collector, the Sub-Registrars are refusing to register the sale and insisting 'No Objection Certificate' (NOC).

2. Learned counsel for the petitioner rightly contended that unless necessary notification is issued as contemplated under Section 22(A) of the Registration Act, 1908 (for short "The Act"), no fetters can be imposed with regard to the registration of the Sale Deeds presented, if it is otherwise in order. This Court in W.P.No.1953 of 2002 held that the circular dated 06-02-2001 issued by the Joint Collector is not permissible in law. When the Registration Act does not contain any provision enabling the Government to prohibit transfer in respect of any lands, except by issuing notification under Section 22(A) of the Act and unless the said notification is issued, the registration cannot be stalled. In view of the same, as and when such sale deeds are presented and if they are in accordance with law, the same has to be registered without insisting 'No Objection Certificate' unless it is notified as contemplated under Section 22 (A) of the Registration Act, 1908.

3. The Writ Petition is accordingly disposed of.

(A. GOPAL REDDY, J)

August 24, 2004

MRR/MURTHY

- 1 The District Collector, R.R. District at Saifabad, Hyderabad.
- 2 The Director Registrar, R.R. District at Moosapet, Hyderabad.
- 3 The Sub-Registrar of Medchal R.R. District at Medchal
- 4 Two C.C s to the G.P for Revenue, High Court Buildings, Hyderabad (OUT).
- 5 Two C.D. Copies.